AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 23rd DAY OF MAY, 2011 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT: James D. Politis -Chair

William H. Brown

-Vice Chair

Mary W. Biggs

-Supervisors

Gary D. Creed Doug Marrs

Annette S. Perkins (arrived 6:45 p.m.)

F. Craig Meadows -County Administrator

L. Carol Edmonds -Assistant County Administrator

Martin M. McMahon -County Attorney

Brian Hamilton -Economic Development Director

Steve Sandy
Dari Jenkins
-Zoning Administrator
Ruth L. Richey
-Public Information Officer
-Secretary, Board of Supervisors

ABSENT: John A. Muffo -Supervisor

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (5) Disc

Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.

1. Project # 2011-019

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
 - 1. Old Elliston Fire Station
 - 2. Request by VDOT to Acquire Property for I-81 Widening
- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
 - 1. Parks & Recreation Commission

The vote on the foregoing motion was as follows:

AYE
Gary D. Creed
None
John A. Muffo
Annette S. Perkins
William H. Brown
Mary W. Biggs
Doug Marrs
James D. Politis

Supervisor Perkins arrived at 6:45 p.m.

OUT OF CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE NAY ABSENT
Annette S. Perkins None John A. Muffo
William H. Brown
Mary W. Biggs
Doug Marrs
Gary D. Creed
James D. Politis

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

William H. Brown Mary W. Biggs Doug Marrs Gary D. Creed Annette S. Perkins James D. Politis

NAYS

None

ABSENT DURING VOTE

John A. Muffo

ABSENT DURING MEETING

John A. Muffo

INVOCATION

A moment of silence was led by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. County's Debt Capacity and Financial Status

The vote on the foregoing motion was as follows:

AYE NAY ABSENT

Mary W. Biggs None John A. Muffo

Doug Marrs

Gary D. Creed

Annette S. Perkins

William H. Brown

James D. Politis

County's Debt Capacity and Financial Status

Courtney Rogers, the County's Financial Advisor, provided an update on the County's debt capacity and financial status. The County has identified potential school capital projects totaling \$124.5 million. Mr. Rogers provided information on a bond issuance and how it impacts the County's debt service. He presented four scenarios with the estimated penny impact to the real estate tax rate from nine cents to thirteen cents $(9\phi \text{ to } 13\phi)$.

Mr. Rogers reported that without presenting all the information that goes to the rating agencies for a rating decision, there is no definitive way to know if any of these options would cause the County's rating to fall. In discussions last fall with the rating analysts, if the County were to move forward with a debt issuance the rating agencies did not believe the violation of the County's debt service to expenditure policy would cause the County's rating to fall. However, it should be noted that the analysts themselves do not make the final decision. They make a report to a larger committee. If the verdict is that the rating would fall, then the County will have the option not to move forward with the bond sale.

OUT OF WORK SESSION

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE None ABSENT
Doug Marrs None John A. Muffo
Gary D. Creed
Annette S. Perkins
William H. Brown
Mary W. Biggs
James D. Politis

PUBLIC HEARINGS

Special Use Permit – James & Lorilee Tannahill

A request by James C. & Lorilee B. Tannahill for a Special Use Permit on approximately 1 acre parcel in a General Business (GB) zoning district to allow truck, trailer, heavy equipment sales, service, and rental. The property is located at 2397 Tyler Road and is identified as Tax Parcel No. 104-A-13A (Parcel ID: 029000) in the Riner Magisterial District (District D).

Dari Jenkins, Zoning Administrator, provided a summary on said request. The applicants are requesting a Special Use Permit to bring an existing nonconforming use into compliance with the zoning ordinance and allow the construction of a 40' x 80' addition to the existing garage. The use of the property for a truck, trailer, heavy equipment service and repair is considered nonconforming because of an amendment to the zoning ordinance in 1999. The Tannahills have been in business since 1988.

There being no speakers, the public hearing was closed.

<u>Comprehensive Plan Amendment – Urban Development Areas</u>

- Montgomery County requests a Comprehensive Plan amendment to add a policy map designation and supporting language for proposed Urban Development Areas (UDA) to comply with Section 15.2-2223.1 of the Code of Virginia. The proposed UDAs will permit residential densities of four (4) to twelve (12) units per acre and commercial densities of 0.4 floor area ratio. The proposed areas are located in the unincorporated area of the County and contain approximately 250 acres in the Route 177 Corridor area and approximately 200 acres in the Merrimac area. These areas are currently designated as Urban Expansion Areas in the County Comprehensive Plan with an overall maximum allowable residential density of four (4) units per acre.

Steve Sandy, Planning Director, provided an overview on the proposed amendment. In 2007, the General Assembly added Section 15.2-2223.1 to the Code of Virginia requiring high growth localities to designate Urban Development Areas in their comprehensive plans by July 1, 2011.

There being no speakers, the public hearing was closed.

Comprehensive Plan Amendment - 177 Gateway Area Plan

- Montgomery County requests a Comprehensive Plan amendment to incorporate the 177 Gateway Area Plan into the existing Route 177 Corridor Land Use Plan. The proposed amendment will revise the proposed future land use map of the corridor area adjacent to Exit 109 and identify this area as an Urban Development Area (UDA) to comply with Section 15.2-2223.1 of the Code of Virginia.

Vlad Gavrilovic, Renaissance Planning Group, presented an overview of the 177 Gateway Area Plan. The overall concept for the vision of the area includes a variety of mixed use districts that are generally connected to one another via parallel roadways and bicycle/pedestrian facilities.

<u>Jack Selcovitz</u> asked the Board of plans regarding the connectivity of Barn Road to Lamb Circle. If Meadow Creek Road is closed at the intersection of Tyler Road and redirected to Barn Road he expressed concerns with the safety issues with medical emergency vehicles trying to get to the hospital. Mr. Seclovitz also asked what strings are attached to the grant money received to assist with the development of the UDA plans.

There being no further speakers, the public hearing was closed.

An Ordinance Amending Article II, Chapter 10, Sections 10-25, 10-26,10-32, and 10-32.1

- An Ordinance amending Article II, Chapter 10 entitled Zoning of the Code of the County of Montgomery, Virginia; Section 10-32 by incorporating a new zoning district entitled Planned Unit Development Traditional Neighborhood Design (PUD-TND) and Section 10-32.1, by incorporating a new zoning district entitled, Traditional Neighborhood Design Infill (TND-I); by amending Section 10-25, Residential District, R-2, compact development option; and by amending Section 10-26 Residential District R-3, compact development option to incorporate traditional neighborhood design concepts including smaller setbacks, lot sizes and more defined standards for development.

Vlad Gavrilovic, Renaissance Planning Group, presented an overview of the proposed amendments.

There being no speakers, the public hearing was closed.

Ordinance Amending Chapter 10, Entitled Zoning, Section 10-52(3)

- CONTINUE TO JUNE 27, 2011.

An ordinance amending Chapter 10, entitled Zoning, Section 10-52 (3) (b) of the Code of the County of Montgomery, Virginia, by deleting the requirement that a person applying to the Board of Supervisors, Planning Commission or Board of Zoning Appeals on a planning or zoning matter shall post a placard notice notifying the public of the place and time of a public hearing regarding the property.

The Chair announced that this public hearing is continued to the June 27, 2011 meeting in order to allow the Planning Commission additional time to review the proposed changes.

PUBLIC ADDRESS

<u>Julie Snyder</u> asked the Board to support the school capital needs and provide the funding for the school construction projects. Ms. Snyder urged the Board to work with the School Board to develop a plan to move forward with the construction of a new Blacksburg High School, new Auburn High School and renovation of the old AHS for the Auburn Middle School.

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated May 23, 2011 was approved.

The vote on the foregoing motion was as follows:

AYE
Gary D. Creed
None
Annette S. Perkins
William H. Brown
Mary W. Biggs
Doug Marrs
James D. Politis

Approval of Minutes

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the minutes dated November 10 and November 15, 2010 were approved.

Appropriations and Transfers

A-FY-11-96 CLERK OF CIRCUIT COURT TECHNOLOGY TRUST FUND

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

251 Clerk of Circuit Court \$25,135

The source of the funds for the foregoing appropriation is as follows:

\$25,135

Said resolution appropriates Technology Trust fund monies to cover information technology support.

A-FY-11-97 SHERIFF RECOVERED COSTS

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011 for the function and in the amount as follows:

310	Sheriff – Comp Board		\$ 4,018
320	Sheriff – County		\$ 3,822
321	Sheriff – County		\$ 7,570
322	Sheriff – Project Life saver		\$ 335
	, and the second	Total	\$15,745

The sources of the funds for the foregoing appropriation are as follows:

Revenue Account				
419104 Confiscations		\$ 7,570		
419108 Recovered Costs		\$ 7,840		
424401 Project Lifesaver		\$ 335		
	Total	\$15,745		

Said resolution appropriates recovered costs and monies received from the Department of Criminal Justice Services Asset Forfeitures Program.

A-FY-11-98 NEW RIVER VALLEY EMERGENCY COMMUNICATIONS REGIONAL AUTHORITY

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

110 NRV Emergency Communications Regional Authority \$17,917

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419108 Recovered Costs

\$ 17,917

Said resolution appropriates funds necessary to cover the costs associated with the NRV Emergency Communications Regional Authority.

A-FY-11-99 PARKS AND RECREATION TRANSFER FROM GENERAL CONTINGENCIES

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

950 General Contingencies (\$3,426)

<u>TO:</u>

700 Parks and Recreation \$3,426

Said resolution transfers funds from General Contingencies to the Parks and Recreation Department for costs associated with replacing a 20 foot light pole at the Montgomery County Frog Pond.

Appointments

R-FY-11-119 NEW RIVER VALLEY PLANNING DISTRICT COMMISSION-APPOINT RAY CHAMBERS

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Ray Chambers** to the **New River Valley Planning District Commission**, effective July 1, 2011 and expiring June 30, 2014.

NEW BUSINESS

R-FY-11-120 NEW RIVER VALLEY SUSTAINABLE COMMUNITIES CONSORTIUM PARTNERSHIP AGREEMENT

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes the County to enter into the New River Valley Sustainable Communities Consortium Partnership Agreement.

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Board of Supervisors hereby authorizes James D. Politis, Chair, to execute the New River Valley Sustainable Communities Consortium Partnership Agreement on behalf of the County of Montgomery, Virginia.

The vote on the foregoing resolution was as follows:

AYE
Annette S. Perkins
None
William H. Brown
Mary W. Biggs
Doug Marrs
Gary D. Creed
James D. Politis

R-FY-11-121 REQUEST FOR LAND USE PERMIT FROM VDOT TO INSTALL ENHANCEMENTS TO THE EXIT 118 PARK AND RIDE COMMUTER LOT

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

WHEREAS, It becomes necessary from time to time for the County of Montgomery to obtain land use permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across, over and upon, highway systems of the Commonwealth of Virginia; and

WHEREAS, Expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of granting to the County of Montgomery by the Virginia Department of Transportation of said permits for the work aforesaid.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia:

Section 1: That in accordance with the provisions of Section 24VAC30-151-720 of the Land Use Permit Regulations of the Virginia Department of Transportation, the County of Montgomery does hereby grant assurances to the Virginia Department of Transportation (VDoT) that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the County of Montgomery and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one-million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and the Virginia Department of Transportation's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the

Commonwealth Transportation Board, the Virginia Department of Transportation or the Commonwealth of Virginia in the event of suit;

<u>Section 2:</u> That the County Administrator, or his designee, be, and hereby is, authorized to execute on behalf of the County of Montgomery all land use permits and related documents of the Virginia Department of Transportation;

<u>Section 3:</u> That this resolution shall be a continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation;

<u>Section 4:</u> That the County of Montgomery shall, if requested by the Virginia Department of Transportation, provide a letter that commits to using the surety provided by its contractor or to have the contractor execute a dual obligation rider that adds the Virginia Department of Transportation as an additional oblige to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose.

BE IT FURTHER RESOLVED, That the County Administrator, or his designee, be, and hereby is authorized and directed to procure insurance required by Section 1 herein.

The vote on the foregoing resolution was as follows:

AYE NAY ABSENT
William H. Brown None John A. Muffo
Mary W. Biggs
Doug Marrs
Gary D. Creed
Annette S. Perkins
James D. Politis

COUNTY ADMINISTRATORS REPORT

School's Request for Funds for Capital Needs resulting from the Blacksburg High School Gymnasium Collapse

The County Administrator reported the School Board is requesting to use \$1.75 million of the insurance settlement funds from the collapse of the BHS gymnasium to offset capital needs resulting from the collapse.

The following items are examples of the capital needs:

• \$300,000 to begin the repairs identified through fire and building safety inspections at ten buildings;

- \$800,000 to complete the repairs at ten buildings identified through fire and building safety inspections based on the new estimate of \$1.1 million (up from the original estimate of \$300,000);
- \$350,000 to complete an engineering inspection of all MCPS buildings; and
- \$300,000 for additional improvements at the temporary BHS and BMS facilities as it appears the students/staff will be at these locations for as much as two more years.

The County Administrator asked for direction on how to proceed with the request.

Following discussion, the Board felt comfortable with granting the School Board's request. The County Administrator was instructed to contact the Town of Blacksburg and Town of Christiansburg to see if they will prioritize the repairs needed at school facilities located in the town limits in order for the School Board to take care of the most critically needed repairs immediately.

Supervisor Biggs asked the other Board members to consider the School Board request tonight.

A-FY-11-100 SCHOOL CAPITAL PROJECTS APPROPRIATION OF INSURANCE PROCEEDS

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried,

BE IT RESOLVED, That the School Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011 for the function and in the amount as follows:

6625 Improvements for Temporary Schools		\$ 300,000
6627 Repairs resulting from Inspections		\$1,100,000
6628 Engineering Inspections		\$ 350,000
•	Total	\$1,750,000

The source of the funds for the foregoing appropriation is as follows:

Revenue Account
441101 Insurance Recoveries \$1,750,000

Said resolution appropriates a portion of the insurance recoveries received as compensation for the Blacksburg High School gymnasium roof collapse for use. The funds will be used as follows:

Additional improvements at temporary BHS and BMS	\$ 300,000
Repairs at 10 buildings identified through fire and	
building safety inspections	\$1,100,000
Complete engineering inspection of all MCPS buildings	\$ 350,000
Total	\$1,750,000

The vote on the foregoing resolution was as follows:

AYE NAY ABSENT
William H. Brown Gary D. Creed John A. Muffo
Mary W. Biggs
Doug Marrs
Annette S. Perkins
James D. Politis

BOARD OF SUPERVISORS' REPORTS

<u>Supervisor Biggs</u> attended the Montgomery-Floyd Regional Library Board meeting and reported that Library Board member Michael Hemphill's term is expiring. Mr. Hemphill has served two four year terms and is not eligible for reappointment. Supervisor Biggs stated Mr. Hemphill has been a great asset to the Library Board and will be missed.

<u>Supervisor Brown</u> reported the citizen group that is actively trying to save the old Prices Fork Elementary School and renovate it into a community/retail center met on May 19, 2011. They wish to set up a meeting with the Board of Supervisors to discuss their proposal and the Board's intentions for the property when it becomes vacant.

Special Use Permit – Tannahill – Supervisor Brown asked the other Board members to consider taking action on the Special Use Permit request by James and Lorillee Tannahill in order to speed up the project.

R-FY-11-122
SPECIAL USE PERMIT
JAMES C. & LORILEE B. TANNAHILL
FOR THE PURPOSE OF ALLOWING
TRUCK, TRAILER, HEAVY EQUIPMENT SALES, SERVICE & RENTAL
IN A GENERAL BUSINESS (GB) ZONING DISTRICT
IN THE RINER MAGISTERIAL DISTRICT (DISTRICT D)
PARCEL ID 029000, TAX MAP NUMBER 104-A-13A

On a motion by William H. Brown, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the request by James C. & Lorilee B. Tannahill for a special use permit on approximately one (1) acre parcel in a General Business (GB) zoning district to allow truck, trailer, heavy equipment sales, service, and rental is found to be consistent with the County's Comprehensive Plan and is hereby approved with the following conditions:

1. This Special Use Permit authorizes use of the property for truck trailer, and heavy equipment repair and service on property located 2397 Tyler Road; identified as Tax Parcel No. 104-A-13A, (Account No. 029000) and shall generally conform to the

concept plan included within application materials, revised April 13, 2011 along with all other applicable code requirements.

- 2. The existing parking lot shall be surfaced to provide a durable and dustless surface, per Section 10-44(2)(e) of the Montgomery County Code prior to the issuance of a certificate of occupancy.
- 3. A detailed site plan in conformance with zoning ordinance requirements shall be submitted and approved by the zoning administrator and all other necessary local and state agencies prior to issuance of building permits for this development. The site plan shall be prepared in conformance with the requirements of Montgomery County Code, Section 10-39, Route 177 Corridor Overlay District.
- 4. Any change from the existing use of the property shall require approval and compliance with all applicable VDOT regulations.
- 5. Any lighting installed on the property shall be dusk to dawn, "full cut-off" type fixtures to avoid glare onto adjacent properties and shall comply with Montgomery County Zoning Ordinance 10-46(9) Performance Standards.
- 6. Disabled trucks, trailers, or heavy equipment shall not be parked or stored on the site longer than 30 days. No more than a total of 15 disabled trucks, trailers, and/or pieces of heavy equipment shall be stored on the site at any given time.
- 7. Landscaping shall be installed prior to issuance of the certificate of occupancy for the 40' x 80' proposed addition to the existing structure.

The property is located at 2397 Tyler Road and is identified as Tax Parcel No. 104-A-13A (Parcel ID: 029000) in the Riner Magisterial District (District D). The property currently lies in an area designated as Urban Expansion in the 2025 Comprehensive Plan and further designated as Business in the Route 177 Corridor Plan.

The vote on the foregoing resolution was as follows:

AYE NAY ABSENT

Doug Marrs None John A. Muffo

Mary W. Biggs

Annette S. Perkins

Gary D. Creed

William H. Brown

James D. Politis

ADJOURNMENT

The Chair declared the r 13, 2011, at 6:30 p.m.	neeting adjourned at 9:	45 p.m. The Board	l adjourned to Monday, June
APPROVED:		ATTEST:	
James D.	Politis		F. Craig Meadows
Chair			County Administrator